

## CONNECTICUT

### UNIVERSAL PRODUCT CODING/MARKING OF RETAIL PRICE

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Any unit of food which is offered or displayed for sale prior to or during the course of any period during which the price of such unit of food is reduced in accordance with a publicly-advertised price reduction having a publicly-advertised ending date may, if it remains to be offered or displayed for sale after such ending date, be increased in price to a level not to exceed the posted price of such unit of food immediately preceding the starting date of the publicly-advertised price reduction.

**Sec. 21a – 79. Universal product coding. Electronic shelf labeling. Electronic pricing. Marking of retail price. Commodities on sale at reduced prices. Regulations. Penalties.**

- (a) For the purposes of this section
  - (1) “consumer commodity” and “unit of a consumer commodity” shall have the same meaning as in section 21a-73, except that consumer commodity shall not include alcoholic liquor as defined in subdivision (3) of section 30-1 or a carbonated soft drink container;
  - (2) “carbonated soft drink container” means an individual, separate, sealed glass, metal or plastic bottle, can jar or carton containing a carbonated liquid soft drink sold separately or in packages of not more than twenty-four individual containers;
  - (3) “universal product coding” shall mean any system of coding which entails electronic pricing;
  - (4) “an electronic shelf labeling system” is an electronic system which utilizes an electronic device attached to the shelf or at any other point of sale, immediately below or above the item, which conspicuously and clearly displays to the consumer the unit price and the price of the consumer commodity. Such electronic shelf labeling system reads the exact same data as the electronic cash register scanning system; and
  - (5) “an electronic pricing system” is a system which utilizes the universal product coding bar code by means of a scanner in combination with the cash register to record and total a customer’s purchases.
- (b)
  - (1) Any person, firm, partnership, association or corporation which utilizes universal product coding in totaling a retail customer’s purchases shall mark or cause to be marked each consumer commodity which bears a Universal Product Code with its retail price.
  - (2) The provisions of subdivision (1) of this subsection shall not apply if:
    - A. The commissioner of consumer protection by regulation, allows for the utilization of electronic shelf labeling systems;
    - B. a retailer is granted approval to utilize an electronic shelf labeling system by the commissioner, and
    - C. the retailer has demonstrated to the satisfaction of the commissioner that such electronic shelf labeling system is supported by an electronic pricing system which utilizes universal product coding in totaling a retail customer’s purchases.
  - (3) Consumer commodities which are advertised in a publicly-circulated printed form as being offered for sale at a reduced price for a minimum seven-day period need not be individually marked at such reduced retail price, provided such consumer commodities are individually marked with their regular retail price and a conspicuous sign is adjacent to such consumer commodities, which sign discloses:
    - A. The reduced retail price and its unit price; and
    - B. a statement that the item will be electronically priced at the reduced price by the cashier.
  - (4) If a consumer commodity is offered for sale at a reduced price, in accordance with subdivision (3) of this subsection and its electronic price is higher than the reduced price on the sign which is adjacent to the consumer commodity, then one item of such consumer commodity shall be given to the consumer upon demand at no cost. A conspicuous sign shall adequately disclose to the consumer that in the event the

electronic price is higher than the reduced retail price, one item of such consumer commodity shall be given to the customer upon demand at no cost.

- (c) (1) The commissioner of consumer protection may adopt regulations in accordance with the provisions of chapter 54 concerning the marking of prices and use of universal product coding on each unit of a consumer commodity.
- (2) The commissioner of consumer protection may adopt regulations in accordance with the provisions of chapter 54 designating not more than ten consumer commodities which need not be marked in accordance with subdivision (1) of subsection (b) of this section and specifying the method of providing adequate disclosure to consumers to insure that the electronic pricing of the designated consumer commodities is accurate. The commissioner may establish by regulation methods to protect consumers against electronic pricing errors of such designated consumer commodities and to insure that the electronic prices of such designated consumer commodities are accurate. Among the methods which the commissioner may consider are conditions similar to those set forth in subdivision (4) of subsection (b) of this section.
- (d) The commissioner of consumer protection, after providing notice and conducting a hearing in accordance with the provisions of chapter 54, may issue a warning citation or impose a civil penalty of not more than one hundred dollars for the first offense and not more than five hundred dollars for each subsequent offense on any person, firm, partnership, association or corporation which violates any provision of subsection (b) of this section or any regulation adopted pursuant to subsection (c) of this section. Any person, inn, partnership, association, or corporation which violates any provision of subsection (b) of this section or any regulation adopted pursuant to subsection (c) of this section shall be fined not more than two hundred dollars for the first offense nor more than one thousand dollars for each subsequent offense. Each violation with respect to all units of a particular consumer commodity on any single day shall be deemed a single offense.

**Section 21a-73(b)** "Consumer Commodity" means any food, drug, device, cosmetic or other article, product or commodity of any kind or class, except drugs sold only by prescription, which is customarily produced by retail sales agencies or instrumentalities for consumption by individuals, or use by individuals for purposes of personal care or in the performance of services ordinarily rendered in or around the household, and which usually is consumed or expended in the course of such consumption or use.

#### **Sec. 21a-79-1. Definitions**

For purposes of Sections 21a-79-1 to 21a-79-7, inclusive, of these regulations, the following terms shall have the meanings indicated:

- (a) "Retail Price" is the price marked on the consumer commodity at which said consumer commodity is to be sold to the customer;
- (b) "Retailer" means any person, firm, partnership, association or corporation which utilizes universal product coding in totaling a retail customer's purchase; and
- (c) "Exempted Consumer Commodity" means a consumer commodity which has been exempted from the requirement that each item of such consumer commodity be marked with its retail price.

(Amended October 25, 1993.)

#### **Sec. 21a-79-2. Unmarked consumer commodities**

Any consumer commodity not properly marked with the retail price or for which the retailer has not been granted an item price exemption in accordance with section 21a-79 (b) (4) of the Connecticut General Statutes, shall be removed from sale until properly marked.

(Added effective May 23, 1988; Amended effective October 1, 2007.)

#### **Sec. 21a-79-3. Improperly marked or scanned consumer commodities**

- (a) If the retail price posted or marked on the consumer commodity is higher than that displayed by the scanner, the lower price will prevail.
- (b) If the retail price posted or marked on the consumer commodity is lower than that displayed by the scanner, then one item of such consumer commodity, up to a value of twenty dollars, shall be given to the consumer at no cost.

(Added effective May 23, 1988; Amended effective October 1, 2007.)

#### **Sec. 21a-79-4. Test scanning**

(a) Any person, firm, association or corporation which utilizes universal product coding in totaling a retail customer's purchases shall make available to the customer a scanner, capable of

reading a universal product code bar, so as to allow the consumer an opportunity to personally identify the price of any item offered for sale. The specific scanner must be clearly identified as available for consumer use and may be one of several such devices utilized by consumers to actually purchase items from the retailer. The use of the consumer designated scanner may be limited during times of maximum register use, and the scanner designated for consumer use shall be the last scanner placed into service to register sales of items when a retailer determines that all scanning check-out registers must be in use.

(b) If an item price exemption has been granted to a retailer in accordance with section 21a-79 (b) (4) of the Connecticut General Statutes, the retailer shall also make available a consumer price test scanner, approved by the commissioner and located prominently in an easily accessible location for each twelve thousand square feet of retail floor space, or fraction thereof.

(Added effective May 23, 1988; Amended effective October 1, 2007.)

#### **UNIVERSAL PRODUCT CODING/EXEMPTIONS FROM MARKING OF RETAIL PRICE**

##### **Sec. 21a-79-5. Exempted consumer commodities**

The following consumer commodities need not be marked with their retail prices:

- (1) canned cat food;
- (2) milk;
- (3) powdered gelatin and pudding dessert mixes;
- (4) canned tuna fish;
- (5) fresh shell eggs;
- (6) ice cream in one-half gallon, quart, and pint sizes;
- (7) frozen concentrated juices and fruit drinks;
- (8) toilet tissue packaged in single rolls;
- (9) baby food packed in glass jars;
- (10) individually packed candy and chewing gum offered for sale at cash register/checkout locations;

(11) salad dressings, in either bottles or packets; and

(12) refrigerated yogurt in half pint sizes (8 ounces) or less, sold individually or in packs.

(Added effective October 25, 1993; Amended effective November 3, 2003.)

**Sec. 21a-79-6. Signs required to inform consumers of exemption and retail price**

(a) Exempted consumer commodities shall have a three-inch by five-inch sign conspicuously placed adjacent to the display of such consumer commodity, with a frequency of one sign for every six linear feet of display, or fractional part thereof. Such sign shall: (1) contain a statement that the consumer commodity has been exempted from the requirement that each such consumer commodity be individually marked with its retail price, and that, in the event that an exempted consumer commodity registers at the cash register or checkout terminal at a retail price which is higher than the retail price as stated, one item of such exempted consumer commodity up to a value of twenty dollars, shall be given to the consumer at no cost; and (2) not contain any additional text, including but not limited to store or promotional slogans, names, or advertising.

(b) Each exempted consumer commodity shall have its current retail price disclosed on a tag or label directly adjacent to the consumer commodity, on the shelf on which the commodity is displayed. For purposes of this subsection, the tag or label provided pursuant to Section 21a-74 (b) (1) of the Connecticut General Statutes shall be deemed to satisfy the requirements of this subsection.

(Added effective October 25, 1993; Amended effective October 1, 2007.)

**Sec. 21a-79-7. Electronic pricing error. One item at no cost. Signage**

(a) In the event that any consumer commodity electronically scans at the cash register or checkout terminal at a retail price which is higher than the posted retail price, one item of such consumer commodity, up to a value of twenty dollars, shall be given to the consumer at no cost.

(b) The consumer shall be informed of the retailer's obligation to provide one item free up to a value of twenty dollars, by means of the conspicuous sign referred to in section 21a-79-6 (a) of the Regulations of Connecticut State Agencies or section 21a-79 of the Connecticut General Statutes, and a second conspicuous sign attached to each cash register or checkout terminal in a retailer's establishment. The sign attached to the cash register or checkout terminal shall be at least six inches by eight inches in size, easily readable by a consumer making a purchase at such cash register or checkout terminal, and shall not contain any additional text including but not limited to store or promotional slogans, names, or advertising, other than that required by section 21a-79 (b) 6 of the Connecticut General Statutes. As an alternative to such cash register or checkout terminal signs, the retailer may display a conspicuous sign, with minimum dimensions of 22 inches by 28 inches, at each public entrance within the store, which sign shall not contain

any store or promotional slogans, names, or advertising and which shall read, in clear and conspicuous type, as follows:

"In the event that a consumer commodity scans at a higher price, you will be given one item of that consumer commodity free of charge up to a value of \$20.00. Credit will be given for items of higher value."

(Added effective October 25, 1993; Amended effective October 1, 2007.)

#### **TEN EXEMPT ITEMS**

Regulation 21a – 79-6 and 21a – 79-7 requires signs to be posted.

- A. This type sign is required at a frequency of one sign for every six linear feet of display. The sign is required to be three by five inches. The sign may not contain additional text such as store names, advertising, or slogans.
- B. A six inch by nine inch sign is required at each cash register/checkout terminal. As an alternative to the checkout signs a conspicuous sign may be posted at each public entrance. The minimum dimensions are 22 inches by 28 inches. This sign may not contain additional text such as store names, slogans, or advertising.

See attachment for required language on the signs.

**POWDERED GELATIN  
AND PUDDING DESSERT MIXES**  
*as a commodity, has been exempted  
from retail item pricing.*  
*In the event an item of this commodity  
registers at the checkout terminal  
at a retail price higher than  
the stated retail price,  
you will receive one of that item free.*

## **TO OUR CUSTOMERS**

***In the event that a consumer commodity, in either of the following categories, scans at an incorrect higher price, you will be given one item of that consumer commodity free of charge***

- (1) Connecticut law provides that certain consumer commodities need not be individually marked with their retail prices. You will see signs in the aisles next to each of these items identifying them as belonging to this special group of consumer commodities.
- (2) Connecticut law provides that consumer commodities on sale in our printed circular need not be marked with their sale prices. You will see signs in the aisles where each of these items are displayed stating that they will scan at their advertised sale prices.

## **POWDERED GELATIN AND PUDDING DESSERT MIXES**

***as a commodity, has been exempted from retail item pricing.***

***In the event an item of this commodity registers at the checkout terminal at a retail price higher than the stated retail price you will receive one of that item free.***

**POST THIS TYPE SIGN FOR EXEMPT ITEMS. ONE SIGN PER EVERY SIX LINEAR FEET OF DISPLAY. SIGN MUST BE THREE-INCH BY FIVE-INCH.**

**You may choose either**

**Sign must be 22" X 28" if posted at a public entrance.**

**Sign must be 6" X 9" if posted at each checkout/register**

**In the event that a consumer commodity, in either of the following categories, scans at an Incorrect higher price, you will be given one item of that consumer commodity free of charge.**

- (1) **Connecticut law provides that certain consumer commodities need not be individually marked with their retail prices. You will see signs in the aisles next to each of these items identifying them as belonging to this special group of consumer commodities.**
- (2) **Connecticut law provides that consumer commodities on sale in our printed circular need not be marked with their sale prices. You will see signs in the aisles where each of these items are displayed stating that they will scan at their advertised sale prices.**

**Sec. 21a – 73. Unit pricing: Definitions.** As used in sections 21a – 73 to 21a – 77, inclusive:

- (a) “Commissioner” means commissioner of consumer protection.
- (b) “Consumer commodity” means any food, drug, device, cosmetic or other article, product, or commodity of any other kind or class, except drugs sold only by prescription, which is customarily produced for sale to retail sales agencies or instrumentalities for consumption by individuals, or use by individuals for purposes of personal care or in the performance of services ordinarily rendered in or around the household, and which usually is consumed or expended in the course of such consumption or use.
- (c) “Unit price” of a consumer commodity means the retail price of a consumer commodity expressed in terms of the retail price of such commodity per such unit of weight, measure, or count, computed to the nearest whole cent or fraction thereof:
- (d) “Unit of consumer commodity” means any consumer commodity in packaged form upon which is affixed a statement indicating the quantity of such commodity contained in such package.

**Sec. 21a – 74. Seller to disclose unit and total price of consumer commodity.**

- (a) Any person who sells or offers or exposes for sale at retail any consumer commodity designated by the commissioner. In accordance with the provisions of section 21a – 75, shall disclose to the consumer the unit and total price of such commodity as provided in subsection (b) of this section unless exempted pursuant to section 21a – 76.
- (b) Persons subject to the requirements of subsection (a) of this section shall disclose the unit price and total price to consumers by one or more of the following means:
  - (1) By attachment of a stamp, tag, or label directly adjacent to the consumer commodity, on the shelf on which the commodity is displayed, or by stamping or affixing the price information on each unit of a consumer commodity; or
  - (2) if the consumer commodity is so located that it is not conspicuously visible to the consumer, or is so located that the price information if displayed in accordance with subdivision (1) would not be conspicuously visible to the consumer, by a sign or list bearing such price information, conspicuously placed near the point of procurement; or
  - (3) by such other means as the commissioner may by regulation provide.
- (c) No advertisement to aid, promote, or assist directly or indirectly in the sale of any consumer commodity subject to the provisions of subsection (a) of this section shall state the total price of such commodity unless it also states the unit price of such commodity.

**Sec. 21a – 75. Regulations. Hearings. Civil penalties for noncompliance.**

- (a) The commissioner shall adopt regulations necessary to carry out the purposes of sections 21a – 73 to 21a – 77, inclusive, for the best interests of consumers and, in addition, shall by regulation:



- (1) Designate those consumer commodities as to which display of the unit price shall be required, upon a determination that such display will be in the best interests of consumers;
  - (2) designate the unit of weight, measure, or count in terms of which the unit price of each consumer commodity designated under subdivision (1) shall be expressed, provided that no designated unit shall be such as to require persons subject to the provisions of subsection (a) of section 21a – 74 to measure any consumer commodity solely for the purpose of complying with said section;
  - (3) designate whether the unit price of each consumer commodity designated under subdivision (1) shall be expressed to the nearest whole cent or fraction thereof.
  - (4) prescribe the means for the disclosure of price information upon determination that such means would be more effective than those prescribed in subdivision (1) or (2) of subsection (b) of said section 21a – 74.
- (b) The commissioner shall adopt regulations pursuant to the provisions of chapter 54.
  - (c) The commissioner shall hold a hearing in accordance with the provisions of chapter 54 whenever he has probable cause to believe, or whenever twenty-five or more citizens state in writing to him their belief, that a person has violated any of the provisions of sections 21a – 73 to 21a – 76, inclusive.
  - (d) Upon a finding that a person has violated any of the provisions of sections 21a – 73 to 21a – 76, inclusive, the commissioner may issue a warning citation or may impose a civil penalty of not more than one hundred dollars for the first offense and not more than five hundred dollars for each subsequent offense. Each violation with respect to all units of a particular consumer commodity on any single day shall be deemed a single offense.

**Sec. 21a – 76 Exceptions.**

The provisions of sections 21a – 73 to 21a – 77, inclusive shall not apply to any owner-operated single retail store or to any store occupying a total retail sales area of not more than three thousand five hundred square feet.

**Sec. 21a – 77 Criminal penalty**

Any person who violates any provision of sections 21a – 73 to 21a – 77, inclusive, shall be fined not more than two hundred dollars for the first offense nor more than one thousand dollars for each subsequent offense. Each violation with respect to all units of a particular consumer commodity on any single day shall be deemed a single offense.

**Unit Pricing of Consumer Commodities**

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**Sec. 21a – 75-1 Definitions**

- (a) “Commissioner” as used in these regulations, means the Commissioner of Consumer Protection.
- (b) “Consumer Commodity” means any food, drug, device, cosmetic, or other article, product, or commodity of any other kind or class, except drugs sold by prescription only, which is customarily produced for sale to retail sales, agencies, or instrumentalities for consumption by individuals, or use by individuals for purposes of personal care or in the performance of services ordinarily rendered in or around the household, and which usually is consumed or expended in the course of such consumption or use.
- (c) “Unit Price” of a consumer commodity means the retail price of a consumer commodity expressed in terms of the retail price of such commodity per unit of weight, measure, or count, computed to the nearest whole cent or fraction thereof.
- (d) “Point of Sale” as used in these regulations, means the point at which consumer commodities are offered and displayed for retail sale in such a manner that the consumer may examine and select commodities for purchase without the assistance of sales personnel.

- (e) As used in these regulations, the terms food, drug, device, and cosmetic are defined as in Section 21a – 92 of the Connecticut General Statutes:
- i. “Food” means
    - (1) articles used for food or drink for man or animals, and
    - (2) chewing gum, and
    - (3) articles used for components of any such article;
  - ii. “Drug” means
    - (1) articles recognized in the official United States pharmacopoeia, official, homeopathic pharmacopoeia of the United States or official national formulary, or any supplement to any of them;
    - (2) articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals;
    - (3) articles, other than food, intended to affect the structure or any function of the body of man or any other animal; and
    - (4) articles intended for use as a component of any articles specified in this subsection; but shall not include devices or their components, parts or accessories;
  - iii. “Device” means instruments, apparatus and contrivances, including their components, parts, and accessories, intended
    - (1) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals, or
    - (2) to affect the structure or any function of the body of man or other animals;
  - iv. “Cosmetic” means
    - (1) articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness or altering the appearance, and
    - (2) articles intended for use as a component of any such articles; except that such term shall not include soap.

(Effective July 27, 1984)

**Sec. 21a – 75-2. Persons to whom regulations apply**

- (a) Any person who sells or offers or exposes for sale at retail any of the consumer commodities designated in Section 6 of these regulations shall disclose to the consumer the price per unit of weight or measure or count and total price, as required by Section 4 of the regulations.
- (b) Owner-operated single retail stores are exempt from these regulations. An “owner-operated single retail store” shall meet the following requirements:
  - i. The principle owner of the owner-operated single retail store must hold more than 50% of the ownership interest of the store and may not have any ownership interest whatsoever in any other retail store in the State of Connecticut which sells consumer commodities covered under the unit pricing statute; and
  - ii. At least one person who has an ownership interest in the store, or a member of his immediate family, must be employed at the premises of the store during all hours that the store is open to the public, or at least forty hours per week, whichever is less. For purposes of this section, “immediate family” means the owner’s parent, son, daughter, husband, wife, brother or sister.

(Effective July 28, 1992)

**Sec. 21a – 75-3. Exempt products.**

- (a) Beverages subjected to or complying with packaging or labeling requirements imposed under the Federal Alcohol Administration Act.
- (b) Products which are required to be marked individually with the cost per unit weight under the provisions of Section 42-1151 of the Connecticut General Statutes.
- (c) Such consumer commodities which are sold in units of even pounds, pints, quarts, or gallons, and which have a retail price plainly marked thereon; but only the particular consumer commodities sold in such units shall be exempt.

- (d) Different products co-mingled in one receptacle or package for the purpose of a one-price sale.
- (e) Products sold in one size limit only.
- (f) Snack food such as cakes, candies, or chips, sold in packages under five ounces in weight.

(Effective July 27, 1984; amended September 26, 1996.)

**Sec. 21a – 75-4. Method of disclosure**

- (a) All retail establishments subject to these regulations shall disclose the price per measure to the consumer by the attachment of a tag or label of any of the following colors on the item itself, or on the shelf or at any other point of sale immediately below the item, or above the item, so as to be conspicuously visible to the consumer. The permissible colors for such tag or label are red, blue, green, orange, yellow, or brown. The color white may be used in conjunction with any of these other colors, but white lettering on clear plastic or cellophane wrappers may not be used. In the alternative, a retailer may disclose the price per measure to the consumer by means of an electronic device, referred to in subsection (f) of this section, which must be placed on the shelf or at any other point of sale immediately below the item or above the item, so as to be conspicuously visible to the consumer. Such electronic device shall utilize blue color for the retail price and orange color for the unit price.
- (b) The tag, label or electronic device shall contain the following three elements:
  - i. The words “Unit Price” shall appear as a heading, with the unit price always appearing above, or to the left of, the then-selling price.
  - ii. The price per measure expressed in terms of dollars or cents as applicable, carried to three digits. If the price is over \$1.00, it is to be expressed to the nearest full cents, provided that the said price is rounded off from .005 and over to the next higher cents; and if .004 or less cent, it be carried to three digits. Examples: “25.3 per pound; \$1.67 per quart”.
  - iii. The applicable unit of weight or measure or count.
- (c) The following additional information may appear on the tag, label, or electronic device at the option of the individual retailer:
  - i. The description of the commodity being sold by item and size;
  - ii. In items such as paper products, the applicable “ply” count or thickness may be included; and
  - iii. Such logistical information which the retail establishment requires, such as order codes, number of rows, or shelf capacity.
- (d) If the consumer commodity is not conspicuously visible to the consumer or where the display space used for a particular consumer commodity is inadequate to set forth separate price legends, as required by these regulations, a list of the prices per measure shall be conspicuously posted at or near the point of sale or the point of display; or the price per measure may be stamped or affixed to the item itself.
- (e) The price per measure shall be displayed in type no smaller than that used for the retail price of the item, but in no event shall the price per measure appear in less size than pica type. When a retail food establishment employs display material at the point of sale and the retail price appears thereon in sizes larger than pica type, the unit price information required by these regulations shall conspicuously appear thereon and shall appear in size no less than pica type or ¼ the size numerals used for the retail price, whichever is greater.
- (f) An electronic shelf labeling system which uses electronic devices to only display the unit price information required by subsections (b)(c), and (d) of this section may be utilized with the approval of the commissioner. In seeking the commissioner’s approval, a retailer must send in a written request for such approval, along with a description of the proposed electronic shelf labeling system. In deciding whether to approve the electronic shelf labeling system, the commissioner’s review shall include but not be limited to the overall appearance of the device and its capacity to transmit the unit pricing information to consumers. If a retailer utilizes an electronic shelf labeling system, such system must be constructed and

affixed in such a manner so as to prevent alteration or movement of the electronic device or display information by consumers.  
(Effective July 28, 1992; amended September 26, 1996)

**Sec. 21a – 75-5. Price per measure**

- (a) The price shall be designated as per pound or as per ounce, whichever offers the most meaningful basis of comparison for the consumer, on all commodities whose net quantity is customarily expressed in units of pounds or ounces or both, provided that the same unit of measure is used for the same commodity in all sizes sold in such retail establishment.
- (b) (Price) The price shall be designated as per pint, quart, or gallon for commodities whose net quantity is expressed in units of pints, quarts, gallons, or fluid ounces, or a combination thereof, provided, that the same unit of measure is used for the same commodity in all sizes sold in such retail establishment.
- (c) (Price) The price shall be designated as per 50 feet or per 100 square feet, as appropriate for commodities and items whose net quantity is customarily expressed in units of feet, inches, square feet or \square yards, or whose net quantities are expressed in units of area or length provided that the same unit of measure is used for the same commodity in all sizes sold in such retail establishment.
- (d) (Price) The price shall be designated as per 50 units or 100 units of commodities, whose net quantity is expressed by a numerical count provided, that the same unit of measures is used for the same commodity in all sizes sold in such retail establishment.

**Required Units of Measure for Unit Price Designation**

The following list of products indicates the corresponding unit of measure which is required to be used in the designation of the unit price of such products by all retail food establishments subject to the unit price regulations. As a general rule, all dry bulk products are unit priced by the pound; all products sold in aerosol cans are unit priced by the pound; and the majority of the liquid products are unit priced by pints, quarts, or gallons. There are several products on this list which may be unit priced by different units of measure, provided that the same unit of measure is used for the same commodity in all sizes sold in a single retail food establishment.

(Effective July 17, 1984; amended September 26, 1996)

**Sec. 21a 75 – 6. Products regulated**

(a) **Group 1:**

<u>Product</u>	<u>Unit of Measure</u>
Detergents:	
liquid	pint or quart or gallon
dry	pound
Household cleansers; waxes, polishes and deodorizers;	
liquid	pint or quart or gallon
dry	pound
aerosols	pound
Cereals	pound
Instant breakfast foods	pound
Butter	pound
Oleomargarine	pound
Coffee, instant and ground	pound
Cocoa, chocolate syrup	pint or quart or gallon if sold by volume
Tea:	pound if sold by weight
bags	per 50 or 100 units

bulk	pound
instant	pound
Jellies and Jams	pound
Peanut butter	pound
Mayonnaise	pint or quart or gallon
Paper products including napkins, paper towels and tissues	per 50 or 100 units or per 50 or 100 square feet
Aluminum wraps, plastic wraps and waxed paper	per 50 or 100 square feet
Paper and plastic bags plates and cups	per 50 or 100 units

Product

Unit of Measure

Baby foods:

Solids

pound

juices

pint or quart or gallons

(b) **Group 2:**

Fruits and vegetables:

canned

pound

jarred

pound

boxed

pound

Juices

pint or quart or gallon

Shortenings

pound

Flours

pound

Cooking oils

pint or quart or gallon

Canned fish and canned meats

pound

Spaghetti, macaroni, noodles, and pasta  
products

pound

Soups, canned and dried

pound

(c) **Group 3:**

Frozen fruits and vegetables

pound

Frozen juice

pint or quart or gallon

if sold by volume

pound if sold by weight

Pet foods

pound

Prepared baking mixes including cakes,  
pancakes and biscuits

pound

Ketchup and mustard

pint or quart or gallon

if sold by volume

pound if sold by weight

Tomato, spaghetti, and meat sauces

pint or quart or gallon

if sold by volume

pound if sold by weight

Pickles and relishes

pint or quart or gallon

if sold by volume

pound if sold by weight

Snack foods, including potato chips and  
pretzels

pound

Bread and pastry products

pound

Bottled beverages

Pint or quart

carbonated and non-carbonated

or gallon

Flavored syrups and powdered drink  
mixes

Pint or quart or gallon

if sold by volume

Cookies and crackers	pound	Pound if sold by weight
Salad dressings:		
liquid		pint or quart or gallon
dry mixes		pound
Toothpaste		pound
Shaving creams		pound
<u>Product</u>		<u>Unit of Measure</u>
Deodorants		pound
Shampoos		pint or quart or gallon
Cold cuts		pound
Fish products and meat		pound

(Effective July 28, 1992; amended September 26, 1996)

**Sec. 21a 75-7. Extension of time for compliance**

Any retail establishment which is unable to comply with these regulations may make written application to the Commissioner for permission to extend such time for compliance for a period not to exceed thirty days. Such retail establishment shall set forth, in as much detail as possible, the reasons for its inability to comply. The Commissioner may extend such period from time to time, upon such terms and conditions as may be deemed reasonable.

(Effective July 27, 1984)

**Sec. 21a – 75-8. Responsibility for compliance**

In the event of a violation of these regulations, the owner, the manager, or the person in charge of such retail establishment, and the person employing such manager or person in charge, where applicable, shall be deemed to be responsible for compliance by such retail establishment with the requirements of these regulations.

(Effective July 27, 1984)

PUBLIC ACT NO. 98-211

**AN ACT CONCERNING AN ALTERNATIVE  
ELECTRONIC RETAIL PRICING SYSTEM PILOT PROGRAM.**

Sec. 3. (NEW) (a) Notwithstanding the provisions of section 21a-79 of the general statutes and any regulations adopted under said section, the Commissioner of Consumer Protection may, within available appropriations, establish a pilot program for the test audit of alternative electronic retail pricing systems that maintain and display the item and unit price of consumer commodities, as defined in subsection (a) of section 21a-79 of the general statutes.

The commissioner shall select one or more retailers to participate in any such pilot program in accordance with the following requirements: (1) The retailer shall conduct business from one or more stores in this state on the effective date of this act; (2) the retailer shall submit to the commissioner a written request to participate in the pilot program and indicate in such written request the retailer's willingness to pay all costs associated with a test audit under such pilot program; and (3) the retailer shall implement a system to be test audited that, at a minimum, (A) maintains the retailer's current item prices and unit prices for each product in an electronic database, (B) prints shelf tags that meet all applicable requirements for item pricing and unit pricing in effect on the effective date of this act, and (C) operates in such a way that (i) price decreases are immediately transmitted directly to the point of sale, and (ii) price increases are transmitted to the point of sale only after such shelf tags are posted and such posting has been verified in the electronic database. (b) The commissioner may designate a private auditing organization to conduct any such test audit and shall charge the cost of such test audit to the selected retailer. No such test audit shall be conducted for a period exceeding six months. The retailer shall designate one store in which the test audit will be conducted. During the test audit, such store shall be exempt from the provisions of subdivision (1)

of subsection (b) of section 21a-79 of the general statutes and any applicable regulations adopted under said section. (c) The commissioner shall report the results of each test audit conducted under any such pilot program and any recommendations to the joint standing committee of the General Assembly having cognizance of matters relating to consumer protection not later than three months after the completion of such test audit. Such report shall include a copy of any audit report prepared by the commissioner or any such private auditing organization. Approved June 8, 1998